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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,514	09/10/2003	Frank Tuccio	1016-013P/JAB	3616
22831	7590	06/15/2005		EXAMINER
SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017			MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,514	TUCCIO, FRANK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Naghmeh Mehrpour	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Aijala (US Patent 5,579,124) in view of Mok (US publication 2003/0097586 A1).

Regarding claims 1, 13, Aijala teaches an apparatus for the remote monitoring of audio signals, comprising:

a fixed receiver for detecting an audio signal present in a monitored region and determining an identity of the audio signal detected (col 5 lines 50-60), for determining an identity of the portable receiver when the receiver is present in the monitored region, and for associating the identity of the receiver with the identity of the audio signal detected over a dwell time of the transponder in the monitored region (col 3 lines 10-50). Aijala fails to teach an apparatus for the remote monitoring of audio signals, comprising:

a portable transponder;

determining an identity of the audio signal detected, for determining an identity of the portable transponder when the transponder is present in the monitored region, and for associating the identity of the transponder with the identity of the audio signal detected over a dwell time of the transponder in the monitored region. However Mok teaches an apparatus for the remote monitoring of audio signals, comprising:

a portable transponder (page section 0065);

determining an identity of the audio signal detected, for determining an identity of the portable transponder when the transponder is present in the monitored region, and for associating the identity of the transponder with the identity of the audio signal detected over a dwell time of the transponder in the monitored region (page section 0086, page section 0066). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mok with Aijala, in order to provide security system for facilitating transponder carrier identification and tracking within a secure area.

Regarding claims 2, 9, Aijala teaches an apparatus/system wherein the transponder is a transponder carried by an individual (col 8 lines 2-18).

Regarding claims 3, 10, Aijala teaches an apparatus/system wherein the fixed receiver includes a microphone circuit for detecting the audio signal (col 7 lines 35-43). Aijala fails to teach that receiver is a transponder. However Mok teaches a transponder an apparatus/system wherein the fixed receiver includes a microphone circuit for detecting the audio signal (page section 0065, page section 0066). Therefore, it would have been obvious to ordinary skill in the art at the time

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the invention was made to combine the above teaching of Mok with Aijala, in order to provide security system for facilitating transponder carrier identification and tracking within a secure area.

Regarding claim 4, Aijala teaches an apparatus of claim 1, wherein the fixed receiver includes means for storing the association between the identities of the receiver and audio signal (col 5 lines 20-35).

Regarding claims 5, 12, Aijala teaches an apparatus wherein the audio signal is the audio portion of a received radio or television broadcast (col 5 lines 10-60).

Regarding claim 6, Aijala teaches a method for the remote monitoring of audio signals, comprising the steps of:

monitoring a designated region for the presence of an audio signal (col 5 lines 50-60);  
processing the audio signal to determine its identity (col 7 lines 25-55);  
simultaneously monitoring the region for the presence of a transponder (col 7 lines 35-55);

identifying the transponder and its dwell time within the region and the identity of the audio signal, and the dwell time in the region (col ; and

generating a record correlating the transponder, its dwell time, and the identity of the audio signal (col 5 lines 20-35). Aijala fails to teach an apparatus for the remote monitoring of audio signals, comprising:

a portable transponder;

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determining an identity of the audio signal detected, for determining an identity of the portable transponder when the transponder is present in the monitored region, and for associating the identity of the transponder with the identity of the audio signal detected over a dwell time of the transponder in the monitored region. However Mok teaches an apparatus for the remote monitoring of audio signals, comprising:

a portable transponder (page section 0065);

determining an identity of the audio signal detected, for determining an identity of the portable transponder when the transponder is present in the monitored region, and for associating the identity of the transponder with the identity of the audio signal detected over a dwell time of the transponder in the monitored region (page section 0086, page section 0066).

Regarding claim 7, Aijala teaches an apparatus for the remote monitoring of audio signals, comprising:

means for detecting an audio signal present in a monitored region and determining an identity of the audio signal detected (col 5 lines 50-60);

Aijala fails to teach an apparatus for the remote monitoring of audio signals, comprising:

a portable transponder;

means determining an identity of the audio signal detected, for determining an identity of the portable transponder when the transponder is present in the monitored region, and for associating the identity of the transponder with the identity of the audio signal detected over a dwell time of the transponder in the monitored region. However Mok teaches an apparatus for the remote monitoring of audio signals, comprising:

a portable transponder (page section 0065); determining an identity of the audio signal detected, for determining an identity of the portable transponder when the transponder is present in the monitored region, and for associating the identity of the transponder with the identity of the audio signal detected over a dwell time of the transponder in the monitored region (page section 0086, page section 0066). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mok with Aijala, in order to provide security system for facilitating transponder carrier identification and tracking within a secure area.

Regarding claim 8, Aijala fails to teach an apparatus wherein at least the means for detecting an audio signal and determining an identity is at a fixed location. However Mok teaches an apparatus wherein at least the means for detecting an audio signal and determining an identity is at a fixed location (page sections 0014, 0017). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mok with Aijala, in order to provide security system for facilitating transponder carrier identification and tracking within a secure area.

Regarding claim 11, Aijala fails to teach an apparatus of claim 8, further including means for storing the record at the fixed location. However Mok teaches an apparatus of claim 8, further including means for storing the record at the fixed location (page sections 0065, 0066). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was

made to combine the above teaching of Mok with Aijala, in order to provide security system for facilitating transponder carrier identification and tracking within a secure area.

Regarding claim 13, Aijala fails to teach an apparatus of claim 7 comprising means associated with the means for determining the identity of the transponder for causing the transponder to emit an identification signal only when in the monitored region. However Mok teaches an apparatus of claim 7 comprising means associated with the means for determining the identity of the transponder for causing the transponder to emit an identification signal only when in the monitored region (page sections 0065-0066). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mok with Aijala, in order to provide security system for facilitating transponder carrier identification and tracking within a secure area.

### Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Newman et al.** (US Publication 2004/0117156 A1) disclose method and apparatus for analyzing the context in a network computing environment

**Seedman et al.** (US Publication 2004/0132446 A1) disclose system and method for detecting the presence of wireless network

**Newman et al.** (US Publication 2004/0117798 A1) disclose method and system and apparatus for analyzing the context in a network computing environment

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**4. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

June 13, 2005



MELODY MEHRPOUR  
PATENT EXAMINER